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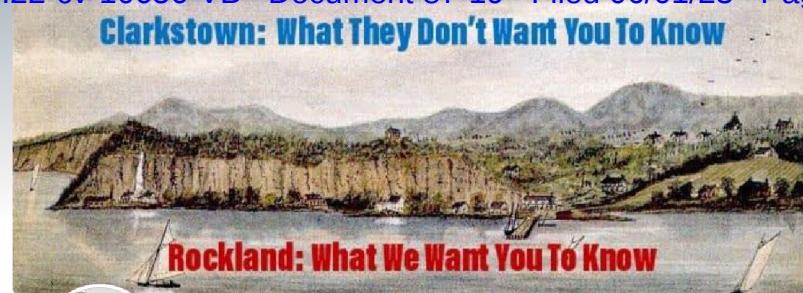
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Clarkstown - What They Don't Want You To Know

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...

New York State Attorney General: Who Is Discriminating Against Whom Here? On The One Hand 'The Homes Will Be Marketed To Hasidic Families' While On The Other Hand 'The Building Permit Denial Is An Overt And Express Declaration Of Unlawful Exclusionary Land Use Practice Specifically Targeted At The Orthodox Jewish Community'.

Chris McKenna writes in the Times Herald Record

A developer who bought a vast land tract in Sullivan County with approvals in place to build 2,600 homes has been skirmishing with Forestburgh officials for months over their refusal to issue construction permits.

The town approved two houses in 2020 but rejected later applications, saying the developer who took over the dormant Lost Lake Resort project was set to deviate from the approved plans by building affordable housing instead of an upscale community with an 18-hole golf course.

The developer's attorney says the entire project, including the golf course and other amenities, will be built exactly as approved, and argues that town officials are grasping for excuses to stop construction of homes that will be marketed to Hasidic families.

The feud is playing out on two fronts: Forestburgh's zoning board of appeals is set to decide the fate of 15 building permits the town's building inspector rejected in November and January. And the developer has filed two lawsuits in state court to challenge town consultant payments and demand copies of town officials' emails and other records.

In a court statement this month, Javid Afzali, a lawyer advising the town on Lost Lake Resort, called one lawsuit "the first salvo in what the Town anticipates will be a multi-year, multi-action effort by Petitioner to strong arm and bully a rural town of about 800 residents into acquiescing to a multi-million-dollar development" after altering the nature of the project.

Steven Barshov, the developer's lawyer, called Forestburgh's permit denial "illegal and shameful" and its reasoning discriminatory.

"The very face of the Building Permit Denial is an overt and express declaration of an unlawful exclusionary land use practice specifically targeted at the Orthodox Jewish community." Barshov wrote in his appeal to the zoning board.

One pending suit claims Forestburgh officials improperly used an escrow account funded by Double Diamond to pay Afzali and a planner to advise them on Lost Lake Resort after the property changed hands. Barshov argues those consultants were used to obstruct the project and demands the town reimburse the escrow account, which now belongs to the new developer.

Town officials say in court papers they have spent about \$18,000 of the \$21,000 that remained in the account after Double Diamond stopped work. They plan to return \$2,100 but contend the remaining charges were legitimate.

The plans for a community far larger than the existing population of the rural Catskills town date back to 2008, when a Dallas-based developer pitched its resort proposal for a 3.3-mile swath of land off St. Joseph's and Cold Spring roads.

Town officials approved the plans in 2013 and joined supporters at a ribbon-cutting celebration for the project the following year. Double Diamond Companies then began installing water and sewer lines and building roads, but dropped Lost Lake Resort after selling only about 150 housing lots, too few to continue. No houses had been built.

In July 2020, a pair of limited-liability companies bought the 2,100 acres for \$9.5 million. Mordechai Halberstam, a builder who lives in the Rockland County village of Chestnut Ridge, told the Times Herald-Record two months later that he and his family had paid \$13 million in all for the property and related assets.

"They didn't have buyers, basically," Halberstam said of Double Diamond at the time. "They just walked. That's our business: when people walk, we walk in."

The town approved the new owner's first two applications to build 1,680-square-foot houses in November 2020. But it later withdrew one permit, after discovering the developer didn't own that lot yet, and rejected the third application in November 2021 after months of back-and-forth with the developer.

In a letter to town officials a month earlier, Barshov, the developer's lawyer, said **"his client will offer 'reasonably priced and affordable units to Hasidic Jewish families who have a very significant unmet demand for such units."** He warned his client would sue over civil rights and fair housing claims if the town continued its "obstruction and delay" in issuing permits.

The reference to affordable housing in that letter was then used to deny the permit. Glenn Gabbard, the town building inspector, wrote that Barshov's description differed from the upscale resort the town approved and didn't say if other project components will remain the same or whether anticipated impacts of an affordable housing community were contemplated or reviewed prior to the 2013 approval.

Gabbard echoed that objection in January when he declined to review 14 new permit applications to build homes ranging from 3,120 square feet to 4,800 square feet.

Barshov argued in his appeal that the pricing of the homes was irrelevant and that the town couldn't legally deny permits if Halberstam chose to sell homes for "less than the maximum profit."

Lost Lake Resort was approved to be built in seven phases, with 400 houses and the first nine holes of the 18-hole golf course in the first phase. Amenities to be added in future phases include a hotel, a restaurant, a clubhouse, a pool and a driving range. More than half of the 2,600 homes are supposed to be seasonal or secondary homes, according to Afzali, the town lawyer.

<https://www.lohud.com/.../town-officials/.../7365395001/>





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Forestburgh officials and developer clash over permits to start 2,600-home project

A developer is skirmishing with town officials over permits to start building 2,600 homes in Sul...

11

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Kelley Bless
 this is what baffles me: how can a developer, any developer, dictate as to who the project will be offered for sale to? how does this become "antisemitism" and "discrimination" against hassidim? people of color can't buy, christians can't buy. lgbtq can't buy, muslims can't buy, hindu can't buy, etc etc etc. doesn't that fly in the face of anti-discrimination laws when nobody else is "allowed"? FEDERAL anti-discrimination law? i would be willing to wager that if someone delved into the funding on the they would find HUD and HEW, fannie mae and freddie mac, too when these units are sold, taxpayer money for exclusionary housing, this "community" is SO sure their tactics work that the developer filed for permits on a lot he didn't even own! did you catch that? the second question: undoubtedly rruipa is coming next, just like with myriad other exclusionary projects that have been denied for wholly valid reasons that have nothing to do with religion, but HOW does a for profit entity, a developer, fall under this law? a law that is supposed to be for non-profit religious institutions, churches, synagogues, temples, etc not housing not private for profit schools and businesses, even mikvah charge money and make a profit, so how is this "religious land use"? or for that matter, a for-profit entity that charges tuition and rents like tartikov? tartikov that is costing pomona millions in legal fees? it doesn't matter WHAT they teach, but that they charge for teaching it. tartikov whose suit was rejected by SCOTUS yet continues to file the same argument in the lower courts? how is this allowed? WHY is this being accepted by the courts? we are seeing over and over the same scenario, a for profit entity that is claiming "discrimination" and "antisemitism" because they're not being allowed to build exclusive, exclusionary enclaves that they stand to make a fortune on? HOW is this clearing the courts? HOW is this even being heard? NO for profit entity, not one, not developer, not private school, not private business, should be allowed to file a discrimination suit, or use rruipa, either as a threat or an actual suit. if a black community, or an lgbtq community, or a catholic community, decided they wanted an exclusionary enclave of their very own built on taxpayer money, and provided with taxpayer services, EXACTLY like the haredi demand over and over, how far do you think THAT would get? answer: nowhere fast, nowhere at all. far too many towns are literally being blackmailed into allowing discriminatory housing, for some "strange" reason, the doj is aiding and abetting it as well, in places like toms river nj, doj is even "negotiating" exclusionary practices. doj "negotiating" for ONE exclusionary community, instead of representing all. HOW? how i wish someone could sit down with merrick garland and tell him what his department is doing in their eastern region. how they're twisting and ignoring federal law. same with the heads of HEW and HUD. i hope this town stands their ground like pomona did.

Like Reply 1w

28



Darren Finch

So if they don't build it as planned then it can be bulldozed right?

Like Reply 1w

...



Geri Mechutan

Darren Finch not with those people

Like Reply 1w

4



Frank Mark Granata

Geri Mechutan , time for me to build my illegal church and get away with it.

Like Reply 6d

3



Geri Mechutan

Frank Mark Granata I will pray with you. We need 13 more people

Like Reply 6d

...



Frank Mark Granata

Geri Mechutan , thank you forever and ever very very very much!!! Sound's like a plan!! Ohhhhhhhihhhhhhh yesssssssssssll!!

Like Reply 5d

...

Reply to Darren Finch...



Bruce Goldsmith

Here we go again. This is their Modus-operandi!! They do what they want. I have never seen an Orthodox EVER EVER play golf! Joke!

Like Reply 1w

3



Susan Romeo

Bruce Goldsmith

...

Like Reply 6d



Aron Schwartz

Bruce Goldsmith hi I am orthodox and play golf. K

Like Reply 5d



Martin Burger

...





Martin Burger
Bruce Goldsmith <https://www.chailifeline.org/events/midatlantic/golf> ...

 CHAILIFELINE.ORG
Chai Lifeline Mid-Atlantic

Raj Sama
It's comical how a certain demographic will cry Anti-semitism when they don't get their way while planning a "community" that will EXCLUDE all other faiths/people and solely benefit their insular community. If any other "religious communities" did the same, they'd be on receiving end of all kinds of Fair Housing Act lawsuits.

Jody Fox
Raj Sama - The community you talk about is a small subset of the larger Jewish community in the United States which is well integrated with the population. The Orthodox represent only 10% of the Jewish population and the ultra Orthodox and Hasidic are even smaller subset who take advantage of RLUIPA.
<https://www.statista.com/.../denominational-affiliation.../>

Kelley Bless
Jody Fox is it really important how large a "community" that practices these things is? in one aspect, yes. it's important that the entire jewish population doesn't bear the brunt of the negative impression this "community" creates. or bears the brunt of the anger. in another, it doesn't matter how big it is, because it is setting a goliath size legal precedent for taxpayer funded discrimination, bias and bigotry. raj is 110% correct when he says anyone else attempting this would be sued out of existence, fair housing it is not, and never will be.

Jody Fox
Kelley Bless - I agree with you. The Justice Department should investigate any residential building which specifically is designed to exclude anyone.

Anthony Pavia
Rockland is full! ...

Joseph Koval
And the "politicians" will quietly give them what they want. Local and at the highest levels of government. Saw it first hand in Rockland. DISGUSTING!

Michael August
Joseph Koval they are trying to fight it but how much money do you think a town of 800 people has?? 😢

Joseph Koval
Michael August such a shame. ...

Kelley Bless
Michael August what they need is a "white knight" that will represent them pro bono!

Scott Wigandt
Joseph Koval Don't you know, the prior Governor, like a lot of politicians turned the other way, as a give back for gaining the "bloc vote". And it was another Democratic President (Bill Clinton) and his wife that came up with the whole RLUIPA scam, that allowed his wife to become State Senator in NY. It's how these blue states function (NY & NJ). Give back for large scale voting endorsements.

Peter Di Nuzzo
White non hasidic, black, latino, asian ect are not allowed to buy. ...

Zoey Kola
Wonder what would happen if all of us tried to buy a home there. Would it be legal to keep non-Hasidic people from purchasing a home? Can always resell after buying for a nice profit. Or sue for discrimination....

Susan Romeo
Zoey Kola I think we should try! Better yet, they should be mandated to sell at least 15% to veterans, seniors of any group that requires affordable housing! That would be fair.

Kelley Bless
we've done this experiment several times. had a black couple walk into the realtor and be told all units were sold. had a gay couple walk in told the same thing. we did this with several different couples of different ethnicities and different faiths than our local couple showed and either the



Joseph Koval they are trying to fight it but how much money do you think a town of 800 people has?? 😢

Like Reply 1w

Joseph Koval Michael August such a shame ...

Like Reply 1w 2

Kelley Bless Michael August what they need is a "white knight" that will represent them pro bono!

Like Reply 1w 6

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Like Reply 6d 5

Reply to Joseph Koval...

Peter Di Nuzzo White non hasidic, black, latino, asian ect are not allowed to buy. ...

Like Reply 1w 3

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Like Reply 6d 5

Susan Romeo Zoey Kola I think we should try ! Better yet , they should be mandated to sell at least 15% to veterans , seniors or any group that requires affordable housing ! That would be fair.

Like Reply 6d 7

Kelley Bless we've done this experiment. several times. had a black couple walk into the realtor and be told all units were sold. had a gay couple walk in told the same thing. we did this with several different couples of different ethnic backgrounds and different faiths. then we had a couple dressed and acting like haredi, that spoke yiddish, walk in. they were given an application and a tour. the discrimination practiced here is disgusting, but authorities who should be addressing this are turning a blind eye, even with video and/or audio recordings.

Like Reply 6d Edited 5

Zoey Kola Did you ever contact a lawyer? ...

Like Reply 6d 2

Kelley Bless Zoey Kola we turned over both audio and video to the county prosecutor. NOTHING was done. i believe the leader of our group also sent a copy to grewal, the state attorney general. nothing done there, either...except to file an "antisemitism" suit. against jackson. it was also offered to the media. nothing. it's pretty obvious that the fix is already in in nj

Like Reply 6d 2

Zoey Kola I would guess the county prosecutor, etc had a conflict of interest\$ More likely a private lawyer representing someone would be a better choice if this is challenged in the future.

Like Reply 5d 2

Reply to Zoey Kola...

Kathy Charters Mahoney So sick of them pulling the anti semitic card every time they are denied!!!! The poorest community does the most building????? And continue to buy up existing neighborhoods

Like Reply 6d 4

Kelley Bless Kathy Charters Mahoney the answer here is RICO, and the corporate transparency act, along with the irs, track the money, but ignore the screaming of "targeted antisemitism" at the same time.

Like Reply 6d 4

Kathy Charters Mahoney Kelley Bless I can't understand why they aren't investigating 😢

Like Reply 6d 3

Kelley Bless Kathy Charters Mahoney because it's being blocked by some VERY influential people.

Like Reply 6d 3

Kathy Charters Mahoney Kelley Bless it's really unbelievable what the politicians do fro the bloc vote!! 😢

Like Reply 5d 3

Frank Mark Granata Kathy Charters Mahoney , I totally agree with you!!! I'm totally totally sick of the anti -Semitic card!!

Like Reply 5d 3

Reply to Kathy Charters Mahoney...

a comment...

